

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 9, 2002**

AGENDA ITEM NO.: **5**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **Conditional Use Permit (CUP) – St. Paul’s Episcopal Church**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: St. Paul’s Episcopal Church has petitioned for a CUP at 620 Madison Street, to allow the use of an existing structure for a childcare facility, ages 2 ½ - 4 years for up to fifteen (15) children in an R-2, Single-Family Residential District. The Planning Division (PD) recommended approval of the CUP because:

- Petition agrees with the General Plan in that a care center is a permitted use in an Office Commercial Area.
- Petition agrees with the Zoning Ordinance in that a care center is a permitted use in a residential district upon approval of a CUP by the City Council.
- Petition proposes the use of the property for a care center targeting inner-city children.

Section 35.1-15(f) of the Zoning Ordinance states: “In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate.”

PRIOR ACTION(S):

June 19, 2002: Planning Division recommended approval of the CUP.
Planning Commission recommended approval (6-0, with one member absent) of CUP with the following conditions:

1. The petitioner will start proceedings to bring the property at 612 Madison Street into compliance with all necessary City Codes and Ordinances within six (6) months of approval of this petition.
2. All parking related to the childcare will be on the Church property.
3. A subdivision plat vacating the interior lot lines of all Church property will be approved and recorded.
4. Landscaping in front of the structure located at 620 Madison Street will remain. This landscaping will be subject to “renewal pruning” under the advisement of the City’s Urban Forester.
5. The site shall be used and developed in substantial compliance with the site plan received May 6, 2002 as prepared by Willard C. Rhodes, Architect.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253

Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Site plan

REVIEWED BY:

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO SAINT PAUL'S EPISCOPAL CHURCH TO OPERATE A CHILD CARE FACILITY AT 620 MADISON STREET SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of St. Paul's Episcopal Church for a Conditional Use Permit for the property at 620 Madison Street to allow the operation of a child care facility for up to 15 children, ages 2 ½ - 4 years, in an R-2, Single Family Residential District, be and the same is hereby approved, subject to the following conditions.

1. The petitioner will start proceedings to bring the property at 612 Madison Street into compliance with all necessary City Codes and Ordinances within six (6) months of approval of this petition.
2. All parking related to the childcare will be on the Church property.
3. A subdivision plat vacating the interior lot lines of all Church property will be approved and recorded.
4. Landscaping in front of the structure located at 620 Madison Street will remain. This landscaping will be subject to "renewal pruning" under the advisement of the City's Urban Forester.
5. The site shall be used and developed in substantial compliance with the site plan received May 6, 2002 as prepared by Willard C. Rhodes, Architect.

Adopted:

Certified:

Clerk of Council

148L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: June 19, 2002
Re: **CONDITIONAL USE PERMIT (CUP): 620 Madison Street**

I. PETITIONER

St. Paul's Episcopal Church, Trustees, 605 Clay Street, Lynchburg, VA 24504
Representative: Mr. George A. Costan, 1507 Langhorne Road, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of about .1 acre located at 620 Madison Street.
Property Owner: St. Paul's Episcopal Church, Trustees, 605 Clay Street, Lynchburg, VA 24504

III. PURPOSE

The purpose of this petition is to allow a childcare facility, ages 2 ½ - 4 years for up to fifteen (15) children in an R-2, Single-Family Residential District.

IV. SUMMARY

- Petition agrees with the General Plan, in that a care center is a permitted use in an Office Commercial Area.
- Petition agrees with the Zoning Ordinance in that a care center is a permitted use in a residential district upon approval of a CUP by the City Council.
- Petition proposes the use of the property for a care center targeting inner-city children.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **General Plan.** The Lynchburg *General Plan* recommends an Office Commercial use for the subject property. The proposed CUP is in agreement with the *General Plan* in that a care center is a permitted use in commercial areas. The *General Plan* has set goals to which it was directed. The proposed use meets at least two (2) of those goals. Goal 6 is intended to "promote the attainment of knowledge commensurate with the need and capabilities of all citizens and appropriate to a complex and changing world". Goal 7 intends to create a "stable and united community" by solidifying and strengthening the concepts of "community" and "neighborhood". The use of the property as a preschool facility targeting inner-city children should greatly benefit them before entering the City's public school system. Having such a facility in the "inner-city" should encourage and further a "sense" of belonging for the neighborhood residents.
2. **Zoning.** The existing residential zoning was established in 1978. Prior to that the property was zoned B-1, Limited Business in 1960 and "V", Multi-Family Residence in 1949. Care Centers are a permitted use in residential areas upon approval of a conditional use permit by the City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed childcare facility.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area.
 - On February 10, 1987 the City Council approved the CUP petition of Holy Cross Catholic Church at 710 Clay Street for a building addition and parking area.
 - On June 14, 1994 the City Council approved the petition of Joesph and Brenda Sanzone to rezone the property at 707 Clay Street from R-2 to B-1 (Conditional)
 - On June 13, 1995 the City Council approved the CUP petition of Holy Cross Catholic Church at 710 Clay Street for a three (3) story multi-purpose addition.

- On July 11, 2000 the City Council approved the CUP petition of Central Virginia Community Services at 620 Court Street for a substance abuse treatment center.
5. **Site Description.** The subject property is bounded to the north and west by single-family residences and to the south and east by property currently owned by the Church. The property is about .1 acre and contains 4100 square feet. Section 35.1-54, Care Centers of the Zoning Ordinance requires that for an enrollment of eleven (11) to twenty (20) persons a frontage of one hundred (100) feet and a minimum lot size of ten thousand (10,000) feet is required. These requirements can be satisfied by vacating the interior lot lines of the existing Church property.
 6. **Proposed Use of Property.** The purpose of the CUP is to allow the use of an existing structure at 620 Madison Street for a childcare center for up to fifteen (15) children, ages 2 ½ - 4 years. The childcare facility will target "inner-city" children. The hours of operation for the proposed facility are 7a.m. till 6p.m..
 7. **Traffic & Parking.** The City Traffic Engineer's only comments of concern are that there is not adequate off street parking for the facility and that pickup and drop-off of the children be in the rear of the property. Section 35.1-54(g), Care Centers of the Zoning Ordinance requires that a minimum of two (2) parking spaces be provided for each care center plus two (2) parking spaces for every thirty (30) persons enrolled. A total of four (4) parking spaces are required. The petition proposes to utilize the existing Church parking area and has stated that pickup and drop-off of students will be in the rear of the facility.

A separate matter but related to the overall development of the Church property is a parking area located at 612 Madison Street. This parking area involved the demolition of an existing structure, and was constructed around 1998 unbeknownst to the Planning Division, without any of the necessary City approvals. The Planning Division requires that this parking area be brought into compliance with zoning regulations. A conditional use permit from the City Council will be required as well as normal Technical Review Committee review.
 8. **Storm Water Management.** A storm water management plan will not be required for the use of the existing structure as a childcare facility, because disturbed areas will be less than 1,000 square feet.
 9. **Impact.** The current submittal proposes the use of an existing structure for a childcare facility. The structure was built in 1893 and is behind the "St. Paul's Episcopal Church" and the "Carter Glass House" which are individually designated historic properties. The reuse and related maintenance of the existing structure is encouraged. Adequate buffering of the proposed play area should protect the single-family residence to the west of the facility. Since all activities related to the childcare would take place in the rear of the property there should be little or no impact to the residences to the north across Madison Street. The existing landscaping in the front of the subject property is adequate, however the City's Urban Forester has stated that "renewal pruning" is needed to maintain it.
 10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 21. Comments related to the proposed childcare were minor in nature and will be addressed by the developer prior to final site plan approval.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of St. Paul's Episcopal Church for a conditional use permit at 620 Madison Street to operate a childcare facility for up to fifteen (15) children in an R-2, Single-Family Residential District.

1. **The petitioner will start proceedings to bring the property at 612 Madison Street into compliance with all necessary City Codes and Ordinances within six (6) months of approval of this petition.**

2. All parking related to the childcare facility will be on the Church property.
3. A subdivision plat vacating the interior lot lines of all Church property will be approved and recorded.
4. Landscaping in front of the structure located at 620 Madison Street will remain. This landscaping will be subject to “renewal pruning” under the advisement of the City’s Urban Forester.
5. The site shall be used and developed in substantial compliance with the site plan received May 6, 2002 as prepared by Willard C. Rhodes, Architect.

This matter is respectfully offered for your consideration.

William T. Martin
Planner III

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Ms. Judith C. Wiegand, Strategic Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. George A. Costan, Petitioner/Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)
2. **Vicinity Proposed Land Use**
(see attached map)
3. **Site Plan**
(see attached site plans)

MINUTES FROM THE PLANNING COMMISSION MEETING OF JUNE 19, 2002

These minutes have not been reviewed nor approved by the Planning Commission

Petition of St. Paul's Episcopal Church for a Conditional Use Permit at 620 Madison Street to operate a child care facility, ages 2 ½ - 4 years, for up to fifteen (15) children in an R-2, Single-Family Residential District.

Mr. Tom Martin explained to the Commission that this was a simple petition; however, he said there were some technical situations associated with the petition. He continued by saying that in 1998 the Church built a parking lot without City approval. He suggested that the Commission continue with this request knowing that the situation concerning the parking lot would be taken care of in the near future and would be brought into compliance within six months of approval of this petition. He said the Planning staff had been working with representatives of the Church on what could be done with the parking area and was sure they would come to a satisfactory agreement as the plan progressed. Mr. Martin said the child care facility was a dream of former City Manager Charles Church, and the Planning staff thought the facility would be good for the community.

Mr. George Costan, 1507 Langhorne Road and board member of the College Hill Neighborhood School, represented the petition. He said they were proposing to use this facility for a pre-kindergarten school for ages 2 ½ - 4-year-old children. He said they would have 12 children and training for the mothers of those children. He said work was currently in progress to comply with regulations for the fire alarm system and electrical work.

Commissioner Echols asked if the alley was a public alley.

Mr. Martin replied that this was not a public alley owned by the City, but was noted as public use in the deed. He added that the plan was to vacate the interior lot line.

Commissioner Wilkins asked Mr. Costan if there was some reason that the work noted in Condition 1 of the motion could be complete earlier than the six months stated.

Mr. Costan said he was under the impression that the work necessary to bring the facility into compliance was under way. He said the person who handles these details for the Church had already met on site with officials from the City.

The Parish Administrator of St. Paul's said the Church had purchased a derelict house beside of 620 Madison Street and had removed the structure. After that, the adjoining neighbor started to complain that water runoff was flowing onto her property. The Church tried to correct the situation by spreading a load of gravel over the area, then a load of dirt, neither of which stopped the water, so their next solution was to pave the area.

Mr. Willard Rhodes, AIA, architect for the project, explained that the lot was only 41 ½ feet wide. He said the City's zoning requirement was that there be a 20 foot vegetative buffer on each side of the lot, which would be said until the Church met with the City concerning waiving the 20-foot of buffer on each side of the site, no work could be done to the lot. He added that it could be a few months until a meeting could be set up with the City to reduce those setbacks.

Mr. Martin said he had met with individuals representing the Church and he felt that proceedings had already begun to rectify the situation. He continued by saying that the Church would have to go before the Board of Zoning Appeals then back through Planning Commission and City Council for approval, so the six month time frame was not unreasonable. He said if the Commission felt that six months was too long of a time period, it could be shortened.

Commissioner Wilkins said she would like to see the parking situation completed as soon as possible.

Commissioner Flint asked the maximum number of children allowed in the house and, if the Neighborhood School got applications for more than the maximum number of students allowed, would they move to a larger facility.

Mr. Costan said they could have up to 15 students, and if they got more applications than that, they would have to turn down the excess students. He said they did not anticipate moving into a larger facility.

Commissioner Pulliam asked if the property was owned by the Church or the College Hill Neighborhood School.

Chair Dahlgren said the *News and Advance* indicated that the building had been donated to the College Hill Neighborhood School.

Mr. Costan said the facility was owned by St. Paul's Episcopal Church. He said the Church did not, nor will they in the future, donate the building to the College Hill Neighborhood School.

Commissioner Moore asked why the children were being referred to as students. He asked what kind of programs the school would have.

Mr. Costan said the school would be open from 7:00 a.m. – 6:00 p.m. in order to accommodate the working mother. He said the children would be involved in approximately three hours of education, nap time, play time and reading, and of course they would be served a prepared lunch. He explained that the program would be divided into three parts: 1. education of children, 2. character building (self discipline, self-respect, and love and respect for others) and, 3. programs for mothers. He said there would be one staff person dedicated to educating mothers on nutrition, hygiene, parenting, and if necessary, helping them obtain their GED.

After further discussion, Commissioner Echols made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of St. Paul's Episcopal Church for a Conditional Use Permit at 620 Madison Street to operate a child care facility for up to fifteen (15) children in an R-2, Single-Family Residential District.

1. The petitioner will start proceedings to bring the property at 612 Madison Street into compliance with all necessary City Codes and Ordinances within six (6) months of approval of this petition.
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5. The site shall be used and developed in substantial compliance with the site plan received May 6, 2002 as prepared by Willard C. Rhodes, Architect.”

AYES:	Dahlgren, Echols, Flint, Moore, Pulliam, Wilkins	6
NOES:		0
ABSTENTIONS:		0

NOTE: Commissioner Worthington was not present to vote on this petition.